

To the Chair and Members  
of the  
**CONSERVATION ADVISORY  
WORKING PARTY**

Mr G Durham  
74222  
GD/EVB – R82/48

25 January 2008

Dear Sir/Madam

A meeting of the **CONSERVATION ADVISORY WORKING PARTY** will be held in **COMMITTEE ROOM 1, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 5 FEBRUARY 2008** at **7.00pm**.

#### **AGENDA**

1. Minutes of meeting held on 15 January 2008 (copy attached for non-Council Members information).
2. To consider the attached reports at Appendix A and B (blue and salmon paper).
3. To consider the report of the Executive Management Team (copy attached).
4. To consider any applications for financial assistance from the Conservation and Heritage Fund which may have been brought to this meeting by the Officer.
5. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully

**A CAMPBELL**

Democratic Services Manager

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO THE  
CONSERVATION ADVISORY WORKING PARTY**

**5 February 2008**

**1. PROGRAMME FOR PREPARATION OF CONSERVATION AREA APPRAISAL  
AND MANAGEMENT PLANS (MIN 926/07)**

**Purpose**

To address the issues arising from the length of time required to complete the programme of Conservation Area Appraisal and Management Plans for the Borough.

**Background**

At your last meeting you considered a report on a programme of Conservation Area Appraisal and Management Plans (CAMPs) and, while you were happy with the programme and its prioritisation you were deeply concerned with length of time it would take to complete and the implications for buildings of local architectural or historic interest, which might form part of a "Local List" prepared as part of the programme. The Planning Committee on 22 January 2008 in considering the programme and your recommendations was also concerned about the same issues and has referred the report back to seek your views on how best to address the issue.

**The Programme and the Problem**

There are 20 Conservation Areas in the Borough and the approved Conservation Area Appraisal and Management Plan programme seeks to achieve completion in five years by 2013, as set in the table below. This is an ambitious programme and requires three CAMPs to be completed in each year of the programme and four in 2008.

<b>Programme 2008 to 2012</b>			
<b>Basford</b>	Completed 2007	<b>Kidsgrove</b>	2009
<b>Butterton</b>	Completed 2007	<b>Maer</b>	2010
<b>Betley</b>	Completed 2008	<b>Whitmore</b>	2010
<b>Newcastle Town Centre</b>	Completed 2008	<b>Mucklestone</b>	2010
<b>Madeley</b>	2008	<b>Silverdale</b>	2011
<b>Audley</b>	2008	<b>Keele Hall</b>	2011
<b>Stubbs Walk</b>	2008	<b>Wolstanton</b>	2011
<b>The Brampton</b>	2009	<b>Trent and Mersey Canal</b>	2012
<b>Clayton</b>	2009	<b>Talke</b>	2012
<b>Keele</b>	2009	<b>Shropshire Union Canal</b>	2012

Members' concern is that sites and buildings in Conservation Areas, which might subsequently be identified in a CAMP as of architectural or historic importance, may be subject to development before investigation has identified their intrinsic architectural or historic interest and appropriate measures are in place to ensure preservation of their special character and appearance. In unfortunate cases, this could harm the special

architectural or historic interest of the Conservation Area concerned or even lead to the permanent loss of critical heritage capital. This risk is inherent in any programme of this nature, although the longer the programme the greater the risk. The preparation and approval of CAMPs, as Members realise, is a prelude to preparing proposals and management measures, such as the adoption of an Article 4(2) Directions of the Town and Country Planning (General Permitted Development) Order 1995 to control Permitted Development, which is outside planning control. Permitted Development has the potential to harm the special architectural or historic interest of a Conservation Area.

The demolition of unlisted buildings in Conservation Areas does require conservation area consent but there is no control over the demolition of unlisted buildings outside Conservation Areas. With respect to the drawing up of a Local List of buildings of local architectural this does not provide any statutory protection in relation to demolition proposals, but as previously indicated it can, particularly if combined with appropriate policies in the LDF confer a measure of protection on them particularly when proposals for either their alteration and extension or within their setting are considered. Your officer remains of the view that the CAMP programme is the best way to draw up such a list, in that the buildings are identified in a rigorous and disciplined manner, but that approach will inevitably mean that the Local List will at least initially be limited to buildings within the Conservation Areas.

The Council's Conservation Area and Urban Design Officer has a full work programme and it is more than likely that there may be slippage on the programme unless additional support is obtained. The only certain way to accelerate the programme and to ensure its completion is to allocate additional resources.

### **Design and Access Statements (DAS)**

Section 42 of the 2004 Act and Circular 01/06 "Guidance on Changes to the Development Control System" prohibit the Council, as Local Planning Authority, from entertaining a planning or a Listed Building Consent application unless is it accompanied by a design and access statement (DAS). These statements are short reports, the level of detail depending on the complexity of the proposed development, accompanying and supporting the application to illustrate the process that has led to the development proposals and to explain and justify the proposal in a structured way. They help to ensure development proposals are based on a thoughtful design process and a sustainable approach to access; they allow the applicant to explain and justify the proposals. Statements, should improve the quality of proposals.

Your officers always seek to ensure that comprehensive DASs accompany planning or Listed Building Consent applications before they are entertained. This goes a long way to ensures that the design aspects of all development proposals, including those in Conservation Areas, are properly considered. If developments are however, "permitted development planning permission already is deemed to be granted, and the designation of a Conservation Area makes only a little difference to what works are permitted development and what is not. Incrementally, such development can degraded the special qualities of Conservation Areas. The only sure way to control such development is to adopt an Article 4(2) Direction, which makes permitted development prescribed in the Article subject to planning control. This would allow the design and justification of the proposal to be considered through the Development Control process.

### **Outcomes Linked to Corporate Priorities**

The Conservation Area Appraisal and Management Plan programme accords with the Corporate Priorities 2007-12, "Creating a Borough of Opportunity", the preparation of character appraisals is a Best Value Performance Indicator and meets the recommendations of English Heritage and National Guidance (Planning Policy Guidance 15: Planning and the Historic Environment) on the Council's duty to ensure the preservation or enhancement of the Conservation Areas in the Borough.

### **Conclusions**

CAMPs must be prepared to meet the Council's statutory and Best Value Performance duties to preserve and enhance the Conservation Areas of the Borough. Their preparation and approval would be the prelude to preparing management measures and proposals to preserve and enhance the special architectural or historic interest of the Conservation Areas of the Borough. The adoption of an Article 4(2) Direction would enable Permitted Development, otherwise free of planning control and which might harm the special architectural or historic interest of a Conservation Area, to be considered comprehensively through the Development Control process.

The CAMPs programme is both important and ambitious and will impact heavily on the work of the Council's Conservation and Urban Design Officer. The only certain way to ensure the programme is completed or accelerated is to allocate the necessary additional resources to support the Conservation Officer. In any event, the programme should be reviewed each year to ensure it remains on schedule. There are obvious benefits from accelerating the programme, which would also allow the preparation of a "Local List" of buildings of local architectural or historic interest to be prepared sooner than later. Conversely, problems will arise if the programme were to be delayed.

### **RECOMMENDATION:-**

**That the Planning Committee be recommended to seek additional resources to accelerate or at least ensure that the Programme of Conservation Area Appraisal and Management Plans does not fall behind schedule.**

### **Background Information**

File 616/5

DECISIONS OF THE BOROUGH COUNCIL ON APPLICATIONS WHICH  
HAVE PREVIOUSLY BEEN CONSIDERED BY THE WORKING PARTY

For reports on all committee decisions, please follow the minutes and agendas search on the Council's website or refer to your copy of the Planning agenda for the permitted date. Reports for delegated items are attached to the agenda (pink paper).

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision and Comments made with regard to Conservation Areas
07/1047/FUL	Maple Court 14 Sidmouth Avenue, Newcastle Mr & Mrs Haynes	Rear Conservatory	No objections. Members felt that this scheme had no adverse impact on the Conservation Area	Permitted under delegated powers 21/1/08

## CONSERVATION ADVISORY WORKING PARTY

Reference	Location and Applicant	Development	Remarks	Ward Councillors
07/1050/FUL	Butterton House, Park Road, Butterton Mr N Eldershaw	Replacement of windows on the South West and North West elevations with cream upvc double glazed sliding sash windows and French door to the South West Elevation	Within the Butterton Conservation Area	Councillor B Tomkins Councillor Mrs F Myatt Councillor P Maskery
07/1088/FUL	109 High Street, Newcastle Hearing and Mobility Centre	New shop front	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
07/1114/FUL	4 Alsager Road, Audley Mr R Melvin	First and second floor rear extension, including alterations to roof, external staircase and balcony	The proposal may affect the setting of the Audley Conservation Area	Councillor Mrs A Beech Councillor I Wilkes Councillor Mrs D Cornes
07/1138/FUL & 08/29/LBC	Manor House Farm, Park Lane, Ashley N J Edge	External alterations and extensions and partial demolition of existing garage	Listed Building	Councillor B Tomkins Councillor Mrs F Myatt Councillor P Maskery
07/1181/LBC	Queens Chambers, 2 Queen Street, Newcastle Brown & Corbishley	Internal alterations	Listed Building and within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/9/FUL	17 London Road, Newcastle A R Bellal Esq	Change of use from takeaway to restaurant	Within the Newcastle Town Centre Conservation Area	Councillor D Clarke Councillor Mrs E Shenton
08/11/FUL	Spring Cottage, The Holborn, Madeley Mr C Perkins	Two storey side extension and replacement garage	Within the Madeley Conservation Area	Councillor A Howells Councillor Mrs H Morris
08/28/FUL & 08/31/LBC	Bradwell Lodge, Bradwell Lane, Porthill Mr T Hambleton	Installation of seven external CCTV security cameras	Listed Building	Councillor Miss J Cooper Councillor J Cooper

# OFFICER REPORT ON DELEGATED ITEMS

**Applicant** - Mr & Mrs Haynes

**Application No.** 07/01047/FUL

**Location** – Maple Court, 14 Sidmouth Avenue, Newcastle

**Description** – Rear Conservatory

## **Policies and proposals in the Development Plan relevant to this decision:**

### **West Midlands Regional Spatial Strategy**

Policy QE1: Conserving and Enhancing the Environment

Policy QE3: Creating a High Quality Built Environment for All

### **Staffordshire and Stoke-on-Trent Structure Plan 2011**

Policy D2: The Design and Environmental Quality of Development

Policy NC19: Conservation Areas

### **Newcastle Under Lyme Local Plan 2011**

Policy H18: Design of Residential Extensions

Policy B8: Other buildings of historic or architectural interest

Policy B9: Prevention of harm to Conservation Areas

Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area

Policy B13: Design and Development in Conservation Areas

## **Other Material Considerations include:**

### **National Planning Policy**

PPS1: Delivering Sustainable Development (2005)

Companion Guide to PPS1 "The Planning System: General Principles"

PPG 15: Planning and the Historic Environment

## **Supplementary Planning Guidance**

Space Around dwellings (2004)

## **Planning History**

06/00396/FUL Permitted 17/7/2006 Conversion to four apartments

07/00197/FUL Permitted 26/4/2007 Conversion to four apartments (Revisions to previously approved scheme 06/00396/FUL)

## **Views of Consultees**

The Council's Landscape Development Section – No Objections

The Council's Conservation Officer – No objections following submission of amended plans

Conservation Advisory Working Party – No Objections to amended scheme

## **Representations**

Nil

### **Applicants/ Agents submission**

Nil

### **Key Issues**

Full planning permission is sought for a rear conservatory at Maple Court, 14 Sidmouth Avenue, Newcastle. The site lies within the Brampton Conservation Area just outside of the town centre. The property is a large Victorian Villa which is of local special architectural and historic interest. There has been a previous extension to the property in the form of a single storey side extension, which cannot be seen when the property is viewed from the street scene.

The proposed conservatory would be constructed from a teal green hardwood frame (colour BS10B21), with a brick built dwarf wall 600mm in height. The side windows would be full length with no opening portion at the top to ensure the window style is in keeping with the style of the existing windows of the property. French doors would open out onto the side elevation, and would be wood panelled to a height of 600mm and glazed for the remainder. Any opening windows in the sides of the conservatory would be located adjacent to the corners of the conservatory. The proposed roof is to be pitched, with simple ridge detailing so as not to detract from the character and detailing on the property.

It is therefore considered that the main issues for consideration on the determination of this application are the impact of the proposed development upon the Brampton Conservation Area, visual amenity and residential amenity.

### **The impact of the proposed development upon the Brampton Conservation Area**

Paragraph 4.14 of PPG 15 'Planning and the Historic Environment' states that special attention should be paid in the exercise of planning functions to the desirability or preserving or enhancing the character or appearance of a conservation area. Paragraph 4.18 states that special regard should be had for matters such as scale, height, form, massing, respect for traditional features, the scale and spacing of window openings and the nature and quality of materials.

Policy NC19 'Conservation Areas' of the Staffordshire and Stoke-on-Trent Structure Plan states that areas of architectural or historic interest will be designated as Conservation Areas and there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features, including open spaces and views, appearance or interest. New development within or adjacent to Conservation Areas should respect, protect and enhance their character and appearance with respect to its height, scale, intensity and materials.

Policy B9 of the Newcastle-under-Lyme Local Plan, 'Prevention of harm to Conservation Areas' states that the Council will resist development that would harm the special architectural or historic character of Conservation Areas. Policy B10 of the Local Plan 'The requirement to preserve or enhance the character or appearance of a conservation area' states that permission will only be granted to construct, alter the external appearance or change the use of any building only if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area. Policy B13 of the Local Plan 'Design and Development in Conservation Areas' states that applicants for planning permission should demonstrate how they have taken account for the need to preserve or enhance the character or appearance of Conservation Areas in the design of their development proposals.

It was considered that the design of the proposed conservatory would need amending to ensure the design of the proposal complemented the Victorian characteristics and features of the existing property, as it was agreed that the proposal in its initial format would be harmful to the character of the Conservation Area and the character of the property.

Following submission of the amended plans, it was agreed that the proposal (outlined under key issues) is acceptable, and the applicant has demonstrated how the design of the



conservatory, including the light teal green colour, timber frames, panelling to doors and consideration of window styles would all preserve the character of the conservation area as a whole and be in keeping with the style and features of the Victorian property.

#### Visual Amenity

Policy H18 of the Local Plan states that the form, size and location of each extension should be subordinate to the design of the original dwellings and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or the setting.

With regards to the design of the conservatory overall, a meeting was held to negotiate possible amendments to the scheme to make the proposed conservatory more in keeping with the character and design features of the Victorian property.

The proposed conservatory would appear subordinate to the existing dwelling, and would not dominate views of the rear elevation. The possibility of a lean to roof on the proposed conservatory was considered to be more in keeping with the Victorian style rather than a pitched roof, but following on from negotiations with the agent for the application it has been discovered that it would not be possible in terms of construction and head heights required to successfully provide a lean to roof on the proposed conservatory.

Originally the idea was to negotiate the colour from a Teal Green to an off white or cream colour to be more in keeping with the Victorian windows existing on the property (upvc mock sash windows). However, having viewed several examples of teal green coloured conservatories, the colour appears much lighter when viewed in daylight, and it is considered that the proposed teal colour would not have a detrimental effect upon the appearance of the property. The Conservation Advisory working party agreed that the colour would be in keeping with the property and cause no harm to the character of the property.

Other amendments included the simplifying of the decorative ridge detail on the pitched roof to ensure the detail does not dominate any detailing or Victorian features of the existing property.

In conclusion, the visual amenities of the proposed conservatory are considered acceptable.

#### Residential Amenity

With regards to residential amenity, it is considered that the proposed extension would not cause a loss of light to the neighbouring properties principle windows as the proposal would satisfy the 45 degree tests as set out in the Council's Supplementary Planning Document 'Space Around Dwellings.'

With regards to privacy of neighbouring occupiers, it is considered that the proposed conservatory would not harm the privacy of any neighbouring residents as it would not conflict with the 45 degree rules with regards to light received by neighbouring principle windows, as set out within the Council's Supplementary Planning Document 'Space Around Dwellings.'

With all of the above taken into consideration the proposal is considered acceptable and approval is recommended.

#### **Reasons for the grant of planning permission**

The proposal accords with provisions of the approved development plan for the locality indicated in the decision notice and there are no other material considerations which would justify a refusal of planning permission.

#### **Recommendation**

**Permit** subject to: Conditions

1. Prior to the commencement of the development hereby approved, full details of the proposed ridge detailing shall be submitted to and approved in writing by the Local Planning Authority.
- R1: To protect the character and appearance of the Brampton Conservation Area, in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011, and Policies B8, B9, B10 and B13 of the Newcastle Under Lyme Local Plan 2011.
2. The approved conservatory shall be finished in colour BS 10B21
- R2: In accordance with the approved plans, and to protect the character and appearance of the Brampton Conservation Area, in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011, and Policies B8, B9, B10 and B13 of the Newcastle Under Lyme Local Plan 2011.
3. The proposed bricks shall match those of the existing dwelling and be of a Flemish bond construction.
- R3: To protect the character and appearance of the Brampton Conservation Area, in accordance with Policies D2 and NC19 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 - 2011, and Policies B8, B9, B10 and B13 of the Newcastle Under Lyme Local Plan 2011.

**Note to the applicant**

**N10. (Crime Prevention)**

Performance Checks	Date		Date
Consultee/ Publicity Period	<b>19/12/2007</b>	Decision Sent Out	
Case Officer Recommendation	<b>16/01/2008</b>	8 Week Determination	<b>21/01/08</b>
Report checked by Back Office			
Management check			